

DEC 16 2004

Serial No. 09/927,161
Docket No. GC627-2**FAX COVER SHEET**

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TO: Group Art Unit 1639

OF: USPTO

Fax No.: 703-872-9306 (Central Facsimile No.)

FROM: Aida Martin for Kamrin T. MacKnight,
Patent Attorney

LOCATION: GENENCOR INTERNATIONAL, INC.
Legal Department
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DATE: December 16, 2004

NUMBER OF PAGES TO FOLLOW: 17 **SENT BY:** am

RE: Serial No. 09/927,161, Docket No. GC627-2

Attachments: Transmittal Letter (1 page) in duplicate; Request for Continued Examination (RCE)(2 pages) and Preliminary Amendment (8 pages).

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I hereby certify that this correspondence is being sent by facsimile transmission in accordance with § 1.6(d) addressed to Art Unit 1639, Central Facsimile No. (703) 872-9306, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on the date shown below.

Date: December 16, 2004

By

Aida Martin

PATENT

Docket No. GC627-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Diaz-Torres et al.

Serial No.: 09/927,161

Filed: August 10, 2001

For: *Bacillus* Transformation, Transformants)
and Mutant Libraries

Group Art Unit: 1639

Examiner: Shibuya, Mark

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

In response to the Final Office Action mailed July 27, 2004, and an Advisory Action mailed September 1, 2004, enclosed please find a Request for Continued Examination (RCE) Petition for Extension of Time and Response and Amendments to be made.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC627-2). A duplicate of this paper is enclosed.

Respectfully submitted,

Date: December 16, 2004


Kamrin T. MacKnight
Registration No. 38,230

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-5838
Fax: 650-845-6504

GC627-2 RCE-T 12-16-04

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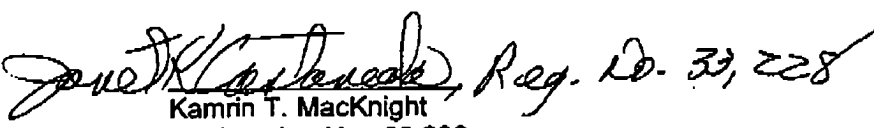
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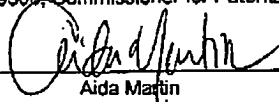
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Group Art Unit: 1639

Examiner: Shibuya, Mark

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a response to a Final Office Action mailed July 27, 2004, Applicants respectfully requested that the following amendments be made. In an Advisory Action mailed September 1, 2004, the Examiner indicated that the amendments were not entered as they allegedly raised new issues that would require further consideration and search. In a subsequent Advisory Action mailed November 16, 2004, the Examiner reiterates the statements made in his Advisory Action mailed September 1, 2004. Applicants respectfully submit that this Preliminary Amendment accompanies a Request for Continued Examination (RCE). Thus, Applicants respectfully request that the Examiner enter the amendments and further consider the present application and new Claims.

A complete list of the Claims, including marked-up versions of the rewritten, added, and/or cancelled claims is provided below, beginning on page 2. None of the amendments to the Claims is intended to narrow the scope of any of the amended Claims within the meaning of *Festo*¹. The Remarks begin on page 4, and the Conclusion is on page 8.

¹ *Festo Corp. v. Shoketsu Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).